

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Hanh B. Thai
Pieter J. van Zee)	
)	Art Unit: 2163
Serial No.: 10/080,971)	
)	
Filed: February 21, 2002)	
)	
For: AUTOMATICALLY PROCESSING)	
DIGITAL ASSETS OF A DIGITAL CAMERA))	
)	
Date of Final Office Action:)	Attorney Docket No.:
October 17, 2006)	100110363-1
)	
Notice of Appeal Filed:)	
December 13, 2006)	

February 13, 2007

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is timely provided to support the Notice of Appeal filed December 13, 2006.

1. Real Party in Interest:

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

2. Related Appeals and Interferences

There are no other prior and/or pending appeals, interferences, or judicial proceedings that are related to, directly affect, or that will be directly affected by or have a bearing on the Board's decision.

3. Status of Claims

Claims 1 - 49 are pending for examination.

Claims 1 - 49 stand rejected.

The rejections of claims 1 - 49 are appealed.

4. Status of Amendments

No Amendments were filed subsequent to the Final Office Action.

5. Summary of Claimed Subject Matter

Independent Claim 1

Claim 1 recites a method for automatically processing digital image assets of a digital camera (specification page 4 paragraph [00011]) that comprises receiving a set of assets and metadata from a digital camera that have been organized by the digital camera into a camera asset organization structure (specification page 3, paragraph [0009] lines 1-10; Figure 1). Claim 1 further recites automatically identifying a selected restructuring scheme from a plurality of restructuring schemes to use for processing the camera asset organization structure of the set of assets and metadata (specification page 3, paragraph [0009] lines 1-10; Figure 1, block 102).

Claim 1 also recites processing the set of assets and metadata using the selected restructuring scheme to convert the camera asset organization structure into a selected organization structure. (Figure 1, block 104, specification page 5, paragraph [0013] lines 1-6).

Dependent Claim 2

Claim 2 depends from claim 1 and recites that the automatically identifying the selected restructuring scheme comprises comparing the set of assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present (specification, page 3, paragraph [0009] lines 10-13). Claim 2 further recites that the camera asset organization structure is a file system and the digital image assets comprise one or more files (specification, page 2, lines 3-7; page 5, paragraph [0014] lines 1-3).

Independent Claim 12

Claim 12 recites an asset normalizing method for processing a collection of digital image assets of a digital camera where the collection of digital image assets are organized

according to an asset organization scheme generated by the digital camera. Asset normalization is described for example in the specification, page 4, paragraph [0012] line 1 to page 5, line 7). Claim 12 recites automatically matching the asset organization scheme of the digital camera to a selected asset normalizer of a predetermined set of asset normalizers (specification page 10, paragraph [0028] lines 1-6, and Figure 2, block 202).

Claim 12 further recites processing the collection of digital image assets of the digital camera into a selected standard organization structure in accordance with the selected asset normalizer (specification page 10, paragraph [0028] lines 6-10, and Figure 2, block 204).

Independent Claim 22

Claim 22 is directed to a digital camera system (Figure 3, camera system 300) for processing a camera-specific file system organization scheme of digital image assets into a non-camera specific file system organization format (specification, page 11, paragraph [0030] lines 1-11). Claim 22 recites that the digital camera system comprises a comparison component for automatically matching the camera-specific file system organization scheme of the digital camera to a selected asset organization normalizer of a predetermined set of asset organization normalizers (specification, page 11, paragraph [0030] lines 4-8, and Figure 3, comparison component 302). The set of asset organization normalizers is described in specification, page 7, [0018], lines 1-6.

Claim 22 also recites an asset-processing component, coupled to the comparison component, for organizing the digital image assets of the digital camera into a non-camera specific file system organization format in accordance with the selected asset normalizer to allow the digital image assets to be processed by a variety of devices. (see specification, page 11, paragraph [0030] lines 8-11, and Figure 3, asset processing component 304).

Independent Claim 36

Claim 36 is a computer-readable medium claim that corresponds to independent claim 12.

Claim 36 recites a computer-readable medium (specification page 12, paragraph [0035] lines 1-2, and Figure 4, medium 400) containing instructions for processing a collection of digital image assets from a digital camera that are organized in a first organization format based on an asset organization scheme into a second organization format. Claim 36 recites automatically matching the asset organization scheme of the digital camera to a selected asset organization normalizer of a predetermined set of asset organization normalizers that is capable of processing the asset organization scheme (specification page 10, paragraph [0028] lines 1-6, and Figure 2, block 202; and page 13, lines 1-5).

Claim 36 further recites processing the collection of assets of the digital camera into the second organization format in accordance with the selected asset organization normalizer (specification page 10, paragraph [0028] lines 6-10, and Figure 2, block 204; and page 13, lines 5-9).

6. Grounds of Rejection to be Reviewed on Appeal

I. Whether Claims 12-13, 15-25, 27-33, 36-39 and 41-47 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Hossain et al. (US Pub. 2003/0059199 A1) in view of newly cited Probert Jr. et al. (US 6,549,918 B1).

II. Whether Claims 1-2, 4-11 are unpatentable under 35 U.S.C. §103(a) as being obvious over Parulski et al. (US 6,567,119 B1) in view of Bell et al. (US 6,147,742), and further in view of Probert Jr. et al.

7. Argument

As a brief summary, the claims describe a digital camera and methods for reorganizing a set of files from one organization (e.g., a first file system organization) to another organization (e.g., a different file system organization). For example, a camera may arrange files in a file system native to the camera (e.g., Design Rule For Camera File System (CDF), JEIDA 1999.1.7) while a computer to which the files are downloaded may arrange the files in a file system native to the computer (e.g., Windows File System) (see specification paragraph [0002]). The claims describe how this reorganizing can be automated. As will be described below, after the operation of the references, the internal data format of a file is changed, which has no bearing on how groups of files are organized to address file system issues. Thus, no arrangement for a file system is performed or even discussed by the references.

In general, the references describe reformatting the content of a file from one data format (e.g., FlashPix) to another data format (e.g., JPEG). If a set of files is downloaded from a camera, the references do not describe changing how the group of files is organized. That is, the references do not address the file system. Rather, the references describe changing how the internal content of each individual file is formatted and are not concerned with the overall organization of the group of files.

This can be analogized by the following example: consider a group of cars where each car includes a 4-cylinder engine or a 6-cylinder engine. A car represents an image file and the internal engine represents the internal content within the image file. Just like an engine has different types (e.g. 4 or 6 cylinder), the content of the image file can have different types (e.g. JPEG format, or FlashPix format). As will be described in more detail below, the references discuss changing the format of the internal content of image files just like changing the engine in a car from a 4-cylinder to a 6-cylinder engine. The present claims, however, are directed to how the group of cars are organized together (e.g. parking the cars in a different scheme). For example, if the cars are organized in an end-to-end structure, they can be reorganized into a side-by-side structure.

Thus when reading the claims, one of ordinary skill in the art understands the technological difference between changing the format of the content of an image file, which is at an internal level, and changing how the files are organized together in different organization schemes, which is at a file system level. In fact, these are two different technical fields that use very different processes, have different system considerations, and use different data conversion functions. The claims must be examined with this understanding.

File systems and their reorganization is described in several places in the application. For example, paragraph [0002] reads “modern digital cameras utilize a file system that is similar to the standard Design Rule For Camera File System (DCF), JEIDA 1999.1.7.” Similarly, paragraph [0010] reads “assets are made accessible by the operating system of the device in the form of a file system in which the captured assets and metadata are organized in a camera-specific collection of files and directories.” Likewise, paragraph [0013] reads “the output of the asset normalization process may be ... a restructured set of files and directories.” Thus when the claims are read in light of the specification, the claims clearly refer to file systems.

I. Whether Claims 12-13, 15-25, 27-33, 36-39 and 41-47 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Hossain et al. (US Pub. 2003/0059199 A1) in view of newly cited Probert Jr. et al. (US 6,549,918 B1).

From this group of rejected claims, claims 12, 22 and 36 are independent claims. The independent claims will be addressed directly.

Prior to the specific claims being addressed, various errors in the rejection will be discussed. For example, the Final Office Action at the top of page 3 rejects the claims as an anticipation rejection under 35 U.S.C. §102(e). However since two references are combined to form the rejection, a prima facie anticipation rejection is not and can not be established. The rejection is improper and should be reversed. Appellant assumes that an obviousness

rejection under 35 U.S.C. §103 was intended and the following arguments respond to an obviousness rejection.

The Final Office Action on page 2 in the “Response to Arguments” section 3, attempts to justify reading Hossain’s teachings of a file’s data conversation to the “asset normalizing” of claim 12. In particular, page 2, section 3 states, “In light of the specification, paragraph [0012], “asset normalizing” is the process of converting including convert file [sic].”

Appellant respectfully submits that claim 12 does not recite converting a file and thus the Examiner’s reasoning fails to support the conclusion. Claim 12 recites “automatically matching the asset organization scheme of the digital camera to a selected asset normalizer...” and “processing the collection of digital image assets of the digital camera into a selected standard organization structure in accordance with the selected asset normalizer.”

Furthermore, the Examiner’s reading of paragraph [0012] has ignored the actual disclosure of the paragraph. Specification paragraph [0012] describes the asset normalization process and the last sentence discloses that a number of optional actions can be included in the process. One of the optional actions is converting the format of a file. The Examiner’s isolated focus on this one optional action fails to support the Examiner’s interpretation regarding the relevance of Hossain, which relates to converting a file’s data format. Suppose a claim recited “a method for automatically piloting a airplane” and the specification explained that automatically piloting the plane could include an optional action like automatically fastening a seat belt. Under the Examiner’s reasoning, a reference that teaches fastening a seat belt would read on automatically piloting the plane simply because it appears in the specification as an option. This is the type of interpretation forwarded by the final rejection. This type of interpretation is, of course, unfounded and fails to establish the relevance and applicability of the Hossain reference. Hossain fails to support the rejection and the rejection should be reversed.

Independent Claims 12 and 36

For purposes of this appeal, claim 36 stands with claim 12.

The particular rejection of independent claim 12 on page 3 of the Final Office Action asserts that the abstract, summary, and paragraphs [0032]-[0033] of Hossain describe the claimed automatic matching and processing. However, the Office Action admits that Hossain does not disclose a camera asset organization structure is a file system organization (page 3, lines 12-13). Thus the Office Action itself admits and proves that Hossain has no relevance to claim 12 since claim 12 is directed to processing the camera asset organization structure. As explained above, changing the format of a file's internal content is a different and unrelated technological area than changing the organization structure of a group of files. Thus, Hossain fails to support the rejection.

With further reference to the Office Action, the rejection then combines the teachings of Probert to Hossain. Appellant submits that Hossain fails to teach claim 12 and that the combination of Probert is improper and not obvious.

If Hossain fails to teach a method of processing camera asset organization structures relating to file systems (as the Office Action admits, page 3, lines 12-13), then the Office Action admits and establishes that Hossain is irrelevant to the claims. The rejection is thus not supported and cannot stand.

Hossain fails to teach the claimed elements for which it is relied upon. Hossain describes a user creating a digital photo album that is stored in a television based medium (e.g., VHS) (Hossain, [0014]). Claim 12 describes automatically normalizing files from an asset organization scheme generated by the camera specific organization (e.g., camera organization file system) to a different organization (e.g., a standard organization structure). Hossain does not describe an asset normalizing method, rather it describes converting an image file from one format to another predetermined video format (e.g. VHS standard format, DVD video, etc. See Abstract). Hossain does not describe automatically matching an asset organization scheme, rather it describes a user manually selecting an image for

inclusion in a digital photo album (Hossain, paragraph [0015]). Hossain does not describe processing assets into a selected organization (e.g., file system), rather it describes reformatting the internal data of file from a first format (e.g., FlashPix) to a second format (e.g., JPEG). Thus, Hossain does not teach the claimed elements for which it is relied upon as set forth in claim 12.

The Office Action asserts that the abstract, summary, and paragraphs [0032]-[0033] of Hossain describe the claimed automatic matching and processing. A sentence by sentence and phrase by phrase analysis of these citations provided in the table below yields no such disclosure. Although Appellant has requested an identification by sentence and/or by term in the cited passages that allegedly disclose the claimed elements, no specific citation was provided (see Amendment dated August 3, 2006, page 14, last paragraph).

Cited Text from Hossain:	Automatic Matching Disclosed?	Processing To Selected Organization Structure Disclosed/
(Abstract) The present invention provides a system and method for creating and viewing a digital photo album on a television with the use of commonly available playback devices, such as a DVD player.	No	No
The system and method generally comprise a user's creation of digital photographs (e.g., using a digital camera or scanning an analog photo),	No	No
the user transmitting (electronically or otherwise) the image files to a central computer which then processes and converts the image files into one or combination [sic] of any number of predetermined video standards (such as digital VHS standard, VHS standard, ... etc.)	No	No

and then writing the converted data to a transportable storage media that is in accordance with the video standard chosen (i.e., if files converted to a DVD format, then the transportable media must be a DVD).	No	No
(Summary) In accordance with the foregoing objects and advantages, the present invention provides a system and method for creating and viewing a digital photo album on a television with the use of commonly available playback devices, such as a DVD player.	No	No
The system and method generally comprise a user's creation of digital photographs (e.g., using a digital camera or scanning an analog photo),	No	No
the user electronically or otherwise (e.g., regular courier or mail service) transmitting the image files to a central computer	No	No
which then processes and converts the image files into one or combination of any number of predetermined video standards (such as ...),	No	No
and then writing the converted data to a transportable storage media that is in accordance with the video standard chosen (i.e., if files converted to a DVD format, then the transportable media must be a DVD).	No	No
Paragraph [0032]: Computer 14 includes a memory for storing digital picture files and software that includes subroutines containing various video standards 24 (e.g., VHS, Digital VHS...).	No	No
The standards for DVD (read only disc) may be found in the following documents ...	No	No
A user preselects which video standard 24 he or she desires	No	No

for the digital photo album.		
With reference to FIG. 2, the software and hardware residing in computer 14 is capable of receiving digital video files from a user,	No	No
grouping 26 the picture files according to the user's choices,	No	No
processing/formatting 28 the picture files into the selected video standard 24,	No	No
creating a playback sequence 30 for the pictures according to the user's selections,	No	No
creating a menu 32 that the user may use to control the playback sequence of the photos,	No	No
processing/formatting 34 the picture files and menu for storage in compliance with the selected video storage standard 24,	No	No
and writing 36 the formatted digital files to a transportable storage media 38 that is the same as the chosen video standard 24 (e.g., if DVD standard chosen, files stored on a DVD).	No	No
Paragraph [0033] With reference to FIG. 3, in operation, a user would save a group of picture files 40 in a digital format.	No	No
This is done either through taking the pictures with some form of digital camera, or by digitizing analog photographs with a digital scanner 42.	No	No
The user would then interface with the computer 14 residing at remote location 16 via the Internet, or some other form of networked connection.	No	No
The user would then send the picture files 40 to computer 14, and organize picture files 40 into desired groups (this is preferably done through the use of a browser program that	No	No

serves as the graphical user interface and permits the user to drag and click the image files into a predefined groups and sequences within the groups).		
Computer 14 will then create a menu file 44 which will be used for interactive playback of the images (or if the user already has a menu file, computer 14 may use this pre-existing menu file 44).	No	No
The software and hardware of computer 14 then completes the process of creating the digital photo album as previously described;	No	No
that is, processing/formatting 28 the picture files into the selected video standard 24,	No	No
creating the playback sequence 30 for the pictures according to the user's predesignated selections of groups and sequences,	No	No
creating a menu 32 that the user may use to control the playback sequence of the photos,	No	No
processing/formatting 34 the picture files and menu for storage in compliance with the selected video storage standard 24	No	No
and writing 36 the formatted digital files to a transportable storage media 38 that is the same as the chosen video standard 24.	No	No
The device/driver (which may be external or internal) for writing the files is commercially available, such as from Philips Corporation.	No	No

Therefore, Hossain fails to teach or suggest the elements for which it is relied upon and fails to support the rejection. The rejection should be reversed.

Combining Probert

Furthermore, combining Hossain with Probert also fails to cure the defects of Hossain and fails to establish a prima facie obviousness rejection. Therefore claims 12 and 36 are not obvious in view of the references and the rejections should be reversed.

In particular, the Office Action asserts that it would be obvious to combine Hossain and Probert and that they are in the same field (Office Action, page 3, lines 14-16). Appellant submits that Hossain and Probert are not even remotely in the same field and it would not be obvious to one of ordinary skill in the art to combine the references as proposed. For example, Hossain is directed to a user creating digital photo albums:

“The present invention provides a system and method for creating and viewing a digital photo album on a television...The system and method generally comprise a user's creation of digital photographs...” (Hossain, Abstract, lines 1-5).

“It is an object and advantage of the present invention to provide a system that permits users to view photos on a television in any one of a number of user defined sequences.” (Hossain, [0010])

Probert is directed to an operating system layer described as:

“A software layer (filter driver) residing between software components or application programs running locally or on a client across a network and a persistent store of an operating system provides on-the-fly conversions of persistent information formats.” (Probert, Abstract, lines 1-5).

“There is a need for an easier and more convenient way to provide interoperability between different versions of applications and operating system persistent storage systems.” (Probert, col. 2, line 66 to col. 3, line 1)

Appellant submits that one of ordinary skill in the art would not find the requisite teaching, suggestion or motivation to combine Hossain with Probert. Rather, one of ordinary skill would believe that Hossain's photo album creator is unrelated and non-analogous to

Probert's operating system layer of software that deals with incompatible versions of applications. These are two completely different fields of endeavor. The rationale asserted by the Office Action on page 3, last paragraph, that attempts to justify the combination in fact further demonstrates that Probert is unrelated to Hossain. None of the reasons proposed in the Office Action have any bearing on the purpose or intent of Hossain's photo album creator. Instead, the rejection appears to be formed using improper hindsight to combine two unrelated references. Therefore, the requisite teaching, suggestion or motivation to combine Hossain with Probert does not exist and a prima facie obviousness rejection has not been established.

Therefore claims 12 and 36 are neither anticipated nor obvious in view of the references and the rejections should be reversed. Independent claims 12 and 36 are now in condition for allowance and accordingly, dependent claims 13-21 and 37-49, respectively, are also in condition for allowance.

Independent Claim 22

Independent claim 22 recites a digital camera system for processing a camera-specific file system organization scheme of digital image assets into a non-camera specific file system organization format. The digital camera system includes a comparison component for automatically matching the camera-specific file system organization scheme of the digital camera to a selected asset organization normalizer of a predetermined set of asset organization normalizers. Thus, a camera file system scheme is matched to an asset organization normalizer. The Office Action on page 4, lines 15-16 admits that Hossain fails to disclose anything related to file systems: "Hossain, however, does not disclose a camera asset organization structure is a file system organization." Therefore, the Office Action concludes that Hossain is irrelevant to the claim 22. When a claim recites automatically matching ABC to DEF and the rejection states that the reference discloses matching TUV to XYZ, the reference completely fails to support the rejection. Applying the teachings of another reference (e.g. Probert) in order to completely change the purpose, intent, and

functionality of Hossain is thus not obvious and improper. The rejection is improper and the Office Action provides that evidence.

Looking to particular rejection, the Office Action cites the abstract, summary and paragraphs [0032]-[0033] of Hossain as teaching the comparison component for automatically matching the camera-specific file system organization scheme. Of course, the citation is defective per se because it ignores the limitation of a camera-specific file system organization scheme. Thus, the rejection itself admits that the cited sections have nothing to do with the claimed element.

Furthermore, the cited sections are the same sections cited against claim 12 and these sections have been reproduced above. A line by line comparison shows that Hossain fails to teach or suggest the claimed element and fails to support the rejection. Since Hossain teaching no component that is relevant to the claimed comparison component, then accordingly, the claimed asset-processing component is also not taught or suggested by Hossain.

As for combining the teachings of Probert, Appellant repeats the arguments stated under the “Combining Probert” heading of claim 12. Thus, combining Hossain with Probert is not obvious and fails to form a proper obviousness rejection. The rejection should be reversed.

Since claim 22 recites features not taught or suggested by the references of record, individually or in combination, claim 22 patentably distinguishes over the references of record. Claim 22 should now be allowed as well as dependent claims 23-35.

II. Whether Claims 1-2, 4-11 are unpatentable under 35 U.S.C. §103(a) as being obvious over Parulski et al. (US 6,567,119 B1) in view of Bell et al. (US 6,147,742), and further in view of Probert Jr. et al.

Independent Claim 1

Keep in mind the technical difference of the car analogy presented previously where changing the internal engine of a car has no relationship to changing the organization structure of a group of cars. Parulski and Bell discuss techniques that associate with changing the internal engine and have no relation to the process of claim 1.

Parulski is directed to processing raw camera data into final output data in a single, integrated process to provide improved image quality when printing. (Abstract) This includes converting image data from a first data format like FlashPix to a second data format like JPEG (see column 3, lines 14-19). Thus, Parulski concerns changing the internal data format of an individual file and does not concern changing how a file system structure is organized. Claim 1 deals with asset organization schemes for collections of files and related metadata. The claim describes how a collection of files can be received from a digital camera and then be reorganized from the organization produced by the camera into a different organization. Note that the file organization is changed without changing the internal file format. Parulski is not directed to the same problem and thus does not disclose the features of the claimed invention.

The claims must be read in light of and consistent with the specification (MPEP 2111). The specification describes assets as “pictures, movies, audio, metadata and the like...” (specification paragraph [0002]). These assets are described as being organized, for example, into a file system. Claim 1 recites that the set of assets are processed using a selected restructuring scheme to reorganize them into a selected organization structure (e.g., second file system). One of ordinary skill in the art would understand that the claim relates

to processing a set of files (e.g., pictures, movies, audio) that are organized in one organization structure (e.g. file system, group of files, directories, group of directories) into a different organization structure.

Conversely, Parulski describes in col. 5, line 63 to col. 6, line 32, a file format extension step. This step includes storing 12-bit compressed CFA data in a FlashPix file along with tile image data. This is accomplished by adding an extension property set to the FlashPix file. The extension property set can store data and metadata. Thus, Parulski describes how individual FlashPix files can be modified. However, Parulski is silent about how a set of files and associated metadata can be restructured from a first organization to another organization. Paluski is not concerned with the claimed restructuring schemes or organization structures and fails to support the rejection.

Claim 1 does not concern converting image data from one format to another format. As cited by the Office Action, Parulski describes in col. 5, lines 46-62 how image data can be converted from one format to another format. Applicant previously amended the claim language to remove this type of interpretation with the claim language of “asset organization structure” and “organization scheme.” This more clearly defines that it is the organization of the assets (e.g. file system organization) that is processed and not the data format that makes the content of an image (e.g. JPEG, bitmap, FlashPix). This distinction is made even more clear by **claim 2**, which recites that “the camera asset organization structure is a file system.”

As described above, Parulski is a photo-finishing application. Similarly, the combined reference of Bell is a photo-finishing application (see Title). Both Parulski and Bell concern reformatting digital camera images to make them print better. The sections of Bell relied upon in the office action (Bell, column 3, line 44 to column 4, line 67; and column 5, lines 41-50) clearly describe changing the data format of a picture (in particular, see Bell, col. 3, lines 60-67). Appellant finds no teaching that relates to the claimed automatically identifying a selected restructuring scheme from a plurality of schemes. Thus, neither Parulski nor Bell describe manipulating the camera asset organization structure (e.g., file system) for a set of images and combining these references still fail to support the rejection.

The Office Action on page 10 attempts to cure the defects of Parulski and Bell by combining the teachings of Probert. Since Parulski and Bell fail to teach or suggest the claimed elements for which they are relied upon, Probert fails to cure the fundamental defects of Parulski and Bell and a prima facie obviousness rejection has not been established.

As for combining Probert with Parluski and Bell, Appellant submits that the requisite teaching, suggestion, or motivation does not exist and refers to the argument under claim 12 sub-heading "Combining Probert." Appellant submits that one of ordinary skill would believe that the photo finishing techniques of Parulski and Bell are unrelated and non-analogous to Probert's operating system layer of software. They are two completely different fields of endeavor. Appellant submits that references in the computer arts cannot be simply combined because the process files. One of ordinary skill in the art understands that there are many very diverse fields and levels of data processing and they are not simply interchangeable without the required teaching, suggestion, or motivation. Probert relates to an operating system layer for addressing incompatible applications and this is completely unrelated to the user application, photo finishing art of Parluski and Bell. The fields of endeavor are unrelated and the problems addressed are unrelated. The rejection is not supported by the references and the rejection should be reversed.

Thus, claim 1 is not obvious and is in condition for allowance. Additionally in view of the above arguments, dependent claim 2 is not taught or suggested by the references since the limitation of "the camera asset organization structure is a file system" is not disclosed by the references. Accordingly, dependent claims 2-11 are similarly not obvious and are in condition for allowance.

Remaining Rejections Not Specifically Addressed

The rejections not addressed relate to dependent claims 3, 14, 26, 34, 35, 40, 48, and 49. The independent claims from which these claims depend have been shown to patentably distinguish over the references of record and that their rejections are not supported. It then follows that the rejections of the dependent claims are also not supported by the references

and the rejections cannot stand. Thus, these claims are not obvious over the references and are now in condition for allowance.

35 U.S.C. §103

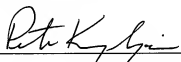
To establish a *prima facie* case of 35 U.S.C. §103 obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP 2143.01. This has not been shown by the rejection. Second, there must be a reasonable expectation of success. MPEP 2143.02. This has not been shown by the rejection. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143.03. This has not been shown by the rejection. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In *re* Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). This requirement is intended to prevent unacceptable "hindsight reconstruction" where Applicant's invention is recreated from references using the Application as a blueprint. In the present case, the combining of references was performed using hindsight reconstruction since the requirements of §103 have not been established.

Conclusion

For the reasons set forth above, a prima facie obviousness rejection has not been established for any claim. All rejections have been shown to be improper. Appellant respectfully believes that all pending claims 1-49 patentably and unobviously distinguish over the references of record and that the rejections should be withdrawn. Appellant respectfully requests that the Board of Appeals overturn the Examiner's rejections and allow all pending claims. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

FEB. 13, 2007
Date


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8. Claims Appendix

1. A method for automatically processing digital image assets of a digital camera, comprising the steps of:

receiving a set of assets and metadata from a digital camera that have been organized by the digital camera into a camera asset organization structure;

automatically identifying a selected restructuring scheme from a plurality of restructuring schemes to use for processing the camera asset organization structure of the set of assets and metadata; and

processing the set of assets and metadata using the selected restructuring scheme to convert the camera asset organization structure into a selected organization structure.

2. The method of claim 1 wherein automatically identifying the selected restructuring scheme comprises comparing the set of assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present, and

where the camera asset organization structure is a file system and the digital image assets comprise one or more files.

3. The method of claim 2 wherein automatically identifying the selected restructuring scheme includes, where no match is found, indicating to the user that no match was found.

4. The method of claim 2 wherein automatically identifying the selected restructuring scheme includes, where no match is found, applying a fallback scheme.

5. The method of claim 2 wherein processing the set of assets and metadata into the selected organization structure comprises applying asset normalization.

6. The method of claim 5 wherein applying the asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, and attaching associated asset handlers to specific asset types.

7. The method of claim 5 wherein applying the asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs.

8. The method of claim 7 wherein the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset normalizer's knowledge and heuristics.

9. The method of claim 1 wherein processing includes processing the selected organization structure into a user-friendly structure that is one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips.

10. The method of claim 9 wherein processing includes processing the selected organization structure to provide for at least one of: viewing and hearing the user-friendly structure in an exogenous device.

11. The method of claim 1 wherein automatically identifying a selected restructuring scheme to use for processing a set of assets and metadata includes using a framework having a set of available asset normalizers to identify an available asset normalizer.

12. An asset normalizing method for processing a collection of digital image assets of a digital camera where the collection of digital image assets are organized according to an asset organization scheme generated by the digital camera, comprising the steps of:

automatically matching the asset organization scheme of the digital camera to a selected asset normalizer of a predetermined set of asset normalizers; and

processing the collection of digital image assets of the digital camera into a selected standard organization structure in accordance with the selected asset normalizer.

13. The method of claim 12 wherein automatically matching an asset organization scheme includes comparing the set of digital image assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present.

14. The method of claim 12 wherein automatically matching an asset organization scheme includes, where no match is found, indicating to the user that no match was found.

15. The method of claim 12 wherein automatically matching an asset organization scheme includes, where no match is found, applying a fallback asset normalizer.

16. The method of claim 12 wherein processing the collection of digital image assets of the digital camera comprises asset normalization that normalizes the asset organization scheme of the digital camera into the selected standard organization structure.

17. The method of claim 16 wherein asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, and attaching associated asset handlers to specific asset types.

18. The method of claim 16 wherein asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs.

19. The method of claim 18 wherein the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset normalizer's knowledge and heuristics.

20. The method of claim 12 wherein processing includes processing the standard organization structure into a user-friendly structure that is at least one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips.

21. The method of claim 12 wherein processing includes providing for at least one of: viewing and hearing assets selected by the selected asset normalizer in an exogenous device.

22. A digital camera system for processing a camera-specific file system organization scheme of digital image assets into a non-camera specific file system organization format, comprising:

a comparison component for automatically matching the camera-specific file system organization scheme of the digital camera to a selected asset organization normalizer of a predetermined set of asset organization normalizers; and

an asset-processing component, coupled to the comparison component, for organizing the digital image assets of the digital camera into a non-camera specific file system organization format in accordance with the selected asset normalizer to allow the digital image assets to be processed by a variety of devices.

23. The digital camera system of claim 22 wherein the comparison component includes comparing the set of digital image assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present.

24. The digital camera system of claim 22 wherein the comparison component includes information that includes at least one of: a directory pattern, a file name pattern, and an image metadata pattern.

25. The digital camera system of claim 22 wherein a directory pattern is assembled by an ordered transversal to a depth of at least one directory beneath a predetermined location and concatenating directory names with or without separator characters or symbols.

26. The digital camera system of claim 22 wherein, when the comparison component fails to find a matching asset organization normalizer, the comparison component indicates to the user that no match was found.

27. The digital camera system of claim 22 wherein, when the comparison component fails to find a matching asset organization normalizer, the asset-processing component utilizes a fallback asset normalizer.

28. The digital camera system of claim 22 wherein the asset-processing component implements asset normalization.

29. The digital camera system of claim 28 wherein asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, and attaching associated asset handles to specific asset types.

30. The digital camera system of claim 28 wherein asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs.

31. The digital camera system of claim 30 wherein the file output includes files discovered by interrogating a file system to discover additional relevant files based on an asset normalizer's knowledge and heuristics.

32. The digital camera system of claim 22 where processing includes processing the non-camera specific organization format into a user-friendly structure that is at least one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips.

33. The digital camera system of claim 22 wherein processing includes processing the non-camera specific organization format and providing for at least one of: viewing and hearing assets selected by the asset normalizer in an exogenous device.

34. The digital camera system of claim 22 wherein the comparison component assigns each comparison a score that represents a quality of a match between the camera-specific organization scheme and each of the predetermined set of asset organization normalizers.

35. The digital camera system of claim 34 wherein a highest score is the score that represents the quality of an optimal match.

36. A computer-readable medium containing instructions for processing a collection of digital image assets from a digital camera that are organized in a first organization format based on an asset organization scheme into a second organization format by:

automatically matching the asset organization scheme of the digital camera to a selected asset organization normalizer of a predetermined set of asset organization normalizers that is capable of processing the asset organization scheme; and

processing the collection of assets of the digital camera into the second organization format in accordance with the selected asset organization normalizer.

37. The computer-readable medium of claim 36 wherein automatically matching the asset organization scheme of the digital camera to the selected asset organization normalizer of a predetermined set of asset organization normalizers includes comparing the

set of assets and metadata with a predetermined set of characterizations of assets and metadata to determine whether a match is present.

38. The computer-readable medium of claim 36 wherein automatically matching an asset organization scheme of the digital camera to the selected asset organization normalizer of a predetermined set of asset normalizers includes using information that includes at least one of: a directory pattern, a file name pattern, and an image metadata pattern.

39. The computer-readable medium of claim 38 wherein a directory pattern is assembled by an ordered transversal to a depth of at least one directory beneath a predetermined location and concatenating directory names with or without separator characters or symbols.

40. The computer-readable medium of claim 36 wherein, when a matching asset organization scheme fails to be found, the step of automatically matching the asset organization scheme includes indicating that no match was found.

41. The computer-readable medium of claim 36 wherein when a matching asset organization scheme fails to be found, the step of automatically matching the asset organization scheme includes, where no match is found, applying a fallback asset organization normalizer.

42. The computer-readable medium of claim 36 wherein processing the collection of assets includes implementing asset normalization.

43. The computer-readable medium of claim 42 wherein asset normalization includes at least one of: making explicit an identity and purpose of files, making explicit relationships between files, extracting data and metadata of files, and attaching associated asset handlers to specific asset types.

44. The computer-readable medium of claim 42 wherein asset normalization provides a file output that contains references to files and metadata determined to be relevant to a set of inputs.

45. The computer-readable medium of claim 44 wherein the file output includes references to files discovered by interrogating a file system to discover additional relevant files based on an asset normalizer's knowledge and heuristics.

46. The computer-readable medium of claim 36 wherein processing the collection of assets of the digital camera into the second organization format in accordance with the selected asset organization normalizer includes processing the second organization format into a user-friendly structure that is at least one of: an audio-video presentation, still images, still images plus audio clips, video clips, and audio clips.

47. The computer-readable medium of claim 36 wherein processing includes providing instructions for at least one of: viewing and hearing assets selected by the selected asset organization normalizer in an exogenous device.

48. The computer-readable medium of claim 36 wherein automatically matching the asset organization scheme of the digital camera to the selected asset organization normalizer of a predetermined set of asset organization normalizers includes assigning each comparison a score that represents a quality of a match.

49. The computer-readable medium of claim 48 wherein a highest score is a score that represents the quality of a best match.

9. Evidence Appendix

None. There is no extrinsic evidence.

10. Related Proceedings Appendix

None. There are no related proceedings.